S.B. CR.MISC.BAIL APPL.NO.7359/2007.

Kalu Vs. State

Date of order : 31/10/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Praveen Jain for the petitioner.
Shri Harshvardhan Nandvana P.P. for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is similar to one against co-accused Jagdish, Kailash, Vishnu and Heeralal who have already been enlarged on bail by the order of co-ordinate Bench of this Court dated 26/10/2007 passed in SB Cr.Misc.Bail Appl.No.7412/2007. Petitioner was arrested on 7/10/2007. It was argued that prosecutrix is aged 22 years. Allegation of rape has been made by her against co-accused Ramesh in her statement recorded u/S.164 Cr.P.C. The petitioner was shown to be only accompanying the accused against who there is allegation of rape. Investigation is almost complete.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 is allowed and it is directed that petitioner Kalu S/o Deva Mali shall be released on bail in F.I.R. No.124/2007 P.S. Bhinai, Distt.Ajmer for offences under Sections 376, 366 and 120B IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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